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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,085	04/06/2006	James Eldon	878A.0010.U1(US)	4067

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HARRINGTON & SMITH, PC  
4 RESEARCH DRIVE  
SHELTON, CT 06484-6212

EXAMINER
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HAILEMARIAM, EMMANUEL

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/541,085

Applicant(s)

ELDON ET AL.

Examiner

Emmanuel Hailemariam

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/29/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/29/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Arrangement of the Specification***

1. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING (S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, are rejected under 35 U.S.C. 102(b) as being anticipated by Lueders (6067074).

**As to claim 1**, Lueders disclose a keypad comprising: a set of switches; a set of key elements each capable of being moved by a user so as to operate a respective switch (fig.3 (28); and a display device (col.2 line 66, col.3 1-3), the display pattern of which can be varied under the control of a display controller (fig.1 (10), col.3 lines 45-48) and arranged so as to be capable of propagating two or more patterns of light from at least some of the key elements (fig.2 (12), (fig.6-8), col.4 lines 15-17); whereby indicia may be displayed from the key elements and the displayed indicia varied under the control of the display controller. (Col.2 lines 8 -22), (fig.10 (10), col.3 lines 45-48, fig.6 (64).

**As to claim 2**, Lueders disclose a keypad as claimed in claim 1, wherein the display device is in the form of a flexible film (see Abstract), (fig.3), col.7 lines 39-41).

**As to claim 3** a keypad as claimed in claim 2, wherein the flexible film (fig.3 (32,34, and 36) interconnects the key elements

**As to claim 4**, Lueders disclose a keypad as claimed in ~~any preceding~~ claim 1, wherein each key element comprises an outer pad for actuation by a user, and the display device (fig.2 (34)) is located between each outer pad (fig.3 (36). Fig.2 (36)) and the respective switch (fig.3 (28)).

**As to claim 5**, Lueders disclose a keypad as claimed in claim 4, wherein each outer pad is transparent (col.7lines 62-34).

**As to claim 6**, Lueders disclose a keypad as claimed in ~~any preceding~~ claim 1, wherein the display device is a light-emitting display device (col.4 lines 55-59).

**As to claim 7**, Lueders disclose an electronic device including a keypad as claimed in am/ claim 1 and the said display controller (col.4 lines 19-24).

**As to claim 8**, Lueders disclose an electronic device as claimed in claim 7, wherein the display controller is arranged to, in a first mode, cause the display device to display a first set of indicia from each of the key elements and, in a second mode, display a second set of indicia from each of the key elements (col.6 lines 61-67,col.7 lines 1-9 ).

**As to claim 9**, Lueders disclose an electronic device as claimed in claim 8, wherein the first mode is a numeric input mode and the first set of indicia are numeric indicia (see Abstract fig.8 col. 4 lines 55-59 ), and the second mode is an alphabetic

input mode and the first set of indicia are alphabetic indicia (col.4lines 55-62).

**As to claim 10**, Lueders disclose an electronic device as claimed in claim 9, wherein in the first and second modes the indicia displayed on each key is indicative of the character that would be input on pressing the key (col.2 line 62, col.3 line 3).

**As to claim 11**, Lueders disclose an electronic device as claimed in claim 10, wherein in the second mode the character that would be input on pressing the key is dependent on the number of times the key has been pressed within a predetermined time period of each previous such press without the pressing of another of the keys (col.2 line 62, col.3 line 3).

#### Correspondence

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Hailemariam whose telephone number is 571-270-1545. The examiner can normally be reached on M-F 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-270-1550. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Emmanuel Hailemariam

07/05/07

  
AMARE MENGISTU  
SUPERVISORY PATENT EXAMINER